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C O N F I D E N T I A L ZAGREB 000756

SIPDIS

STATE FOR EUR, EUR/SCE AND S/WCI
THE HAGUE FOR JOHNSON/KAYE/WHEATON

E.O. 12958: DECL: 04/04/2013

TAGS: [PGOV](#) [PREL](#) [HR](#) [ICTY](#)

SUBJECT: ICTY/CROATIA: CROATIA APPEARS TO MEET COOPERATION
DEADLINES

REF: ZAGREB 717

CLASSIFIED BY: POLOFF ROB SILBERSTEIN, REASONS 1.5 (B) AND (D)

1. (C) ICTY ZAGREB RESREP THOMAS OSORIO TOLD US LATE APRIL 4 THAT THE GOC APPEARS TO HAVE COMPLIED WITH THE HAGUE'S APRIL 4 DEADLINES TO SERVE THE SEPTEMBER 2002 INDICTMENT ON GENERAL JANKO BOBETKO OR HIS LEGAL REPRESENTATIVE AND TO HONOR OTP DOCUMENT REQUESTS. OSORIO SAID HE WAS INFORMED THAT OFFICIALS FROM THE GOC OFFICE FOR COOPERATION WITH THE TRIBUNAL SERVED THE INDICTMENT ON BOBETKO'S ATTORNEY. THE CROATIAN AMBASSADOR IN THE HAGUE HAS BEEN INSTRUCTED TO INFORM THE ICTY REGISTRAR OF CROATIA'S COMPLIANCE WITH THE ICTY JUDGE'S ORDER ON THE BOBETKO CASE. THE GOC DECISION TO SERVE THE INDICTMENT CAME AFTER THE PRESIDING JUDGE IN THE ZAGREB COUNTY COURT, CITING BOBETKO'S SEVERE MEDICAL CONDITION, REFUSED TO SERVE THE INDICTMENT.

2. (C) OSORIO ALSO CONFIRMED THAT AMBASSADOR KRNIC, HEAD OF THE GOC OFFICE FOR COOPERATION, TRANSMITTED LATE APRIL 4 A THICK SET OF DOCUMENTS ON CROATIAN MILITARY INVOLVEMENT IN BOSNIA DURING THE WAR. THE PACKAGE ALSO CONTAINED A LETTER OF COMMITMENT, BINDING THE GOC TO PROVIDE OUTSTANDING BANKING DOCUMENTS. OSORIO SAID THAT THE OTP HAS INFORMED THE GOC THAT CHIEF PROSECUTOR DEL PONTE HAS ACCEPTED THE GOC OFFER TO VISIT ZAGREB. DEL PONTE HAS PROPOSED APRIL 17 FOR THE VISIT.

3. (C) BARRING A MIRACULOUS RECOVERY BY THE 83-YEAR OLD GENERAL, THE GOC'S SERVING OF THE INDICTMENT EFFECTIVELY CLOSES THE BOBETKO CASE. ALTHOUGH THE GOC APPEARS TO HAVE RESPONDED ADEQUATELY TO THE OTP DOCUMENT DEADLINE, THE DEVIL IS IN THE DETAILS. OSORIO SAID THAT THE TRIBUNAL INVESTIGATORS NOW MUST ANALYZE THE CONTENTS OF THE GOC SUBMISSION. A PACKAGE OF DOCUMENTS THAT OSORIO HAD REVIEWED INFORMALLY ON APRIL 1 AT CROATIAN MOD ARCHIVES DID NOT FULFILL OTP NEEDS. THE OTP WOULD COMPLETE ITS ANALYSIS OF THE GOC SUBMISSION BY APRIL 10.

COMMENT

4. (C) ACCORDING TO OSORIO, THE GOC'S SERVING OF THE INDICTMENT, PARTICULARLY AFTER MAINTAINING THAT THIS WAS THE ROLE OF THE CROATIAN COURTS, IS SIGNIFICANT. BY DOING SO -- IN OSORIO'S VIEW -- THE GOC ACKNOWLEDGED THAT THE TRIBUNAL HAS PRIMACY OVER THE RULINGS OF CROATIAN COURTS. TIME WILL TELL AS TO WHETHER OR NOT THE GOC AGREES THAT ITS ACTION IS PRECEDENT SETTING. WHAT IS CLEAR, HOWEVER, IS THAT WITH THE U.S. AND EU MAKING IT CLEAR THAT ICTY COOPERATION IS A SIN QUA NON FOR EURO-ATLANTIC INTEGRATION, AND WITH PM RACAN SCHEDULED TO TRAVEL TO ATHENS ON APRIL 15 TO GET THE EU'S "AVIS," THE ICTY/OTP FIRM DEADLINES NO DOUBT SPURRED A RELUCTANT GOC TO ACT.

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